

WAIVER SAMPLE FORMS

- I. Format for Positioning Training Waiver of FAC-C Training Requirements**
- II. Format for Requesting Individual Training Waiver of FAC-C Training Requirements**
- III. Format for Requesting Position Education Waiver of OPM Qualification Standards for Education**
- IV. Format for Requesting Individual Education Waiver of OPM Qualification Standards for Education**
- V. Format for Requesting Waiver of FAC-C Education/Training Requirements for Issuance of Interim Warrant**
- VI. Employee Commitment Letter**
- VII. SPE Approval of Waiver Education/Training Requirements**

ATTACHMENT I

SPE APPROVED POSITION TRAINING WAIVER **(The Training Waiver language shall be used in DOJ GS-1102 vacancy announcements)**

Training Requirement:

Completion of all Level (insert certification level) training prescribed by the Department for progression to GS-(insert grade/pay band) or higher level, contracting positions.

The Department may obtain an individual Training Waiver for an individual who does not meet the FAC-C training requirements. Individuals who meet education and experience requirements but not the training requirements are encouraged to apply.

In order to progress to the next level, all lower level requirements must be successfully satisfied.

Warrant Level	Grade/Payband Level	Course Description
Level - I	Entry level (GS-5 through GS-7/Payband F)	CON 100: Shaping Smart Business Arrangements; CON 110: Mission Support Planning CON 111: Mission Strategy Execution CON 112: Mission Performance Assessment CON 120: Mission Focused Contracting 1 Elective - 16 hrs.
Level - II	Intermediate level (GS-9 through GS-12/Payband G & H)	CON 202: Intermediate Contracting CON 204: Intermediate Contract Pricing CON 210 Government Contract Law 2 Electives – 16 hrs. each (total 32 hours) FY08 CON 214 - Business Decisions for Contracting CON 215 - Intermediate Contracting for Mission Support CON 216 - Legal Considerations in Contracting CON 217 - Cost Analysis and Negotiation Techniques CON 218 - Advanced Contracting for Mission Support 2 Electives – 16 hrs each (total 32 hours)
Level - III	Senior Level (GS-13 through GS-15/Payband I, J, & K)	CON 353: Advanced Business Solutions for Mission Support 2 Electives - 16hrs each (total 32 hrs.)

ATTACHMENT II

INDIVIDUAL TRAINING WAIVER OF FAC-C TRAINING REQUIREMENTS

(This format shall be used by the HCA (or designee) when requesting an Individual Training Waiver)

From: BPC

To: DOJ Senior Procurement Executive

Subject: Request Approval of Individual Training Waiver

I have identified (insert name here) as the best qualified applicant for (position, title, grade, Component, and announcement number) announced with a training waiver dated (date here.)

I recognize the importance of training in achieving Federal Acquisition Certification in Contracting (FAC-C) and support employee development. I will ensure the selected individual obtains the required training at the earliest opportunity, and within three (3) months of (insert name here) reporting on board, I will provide a training plan outlining how and when the training requirement will be met.

Enclosed with this letter are: (1) An original memo for your signature of approval; and (2) A signed copy of the employee's commitment letter. If there are any questions or additional information is required, please contact (name, phone number) at (Component.)

BPC (or designee) Signature
Name, Date

ATTACHMENT III

**POSITION EDUCATION WAIVER
OF
OPM QUALIFICATION STANDARDS FOR EDUCATION**

(This format shall be used by the HCA (or designee) when requesting a Position Education Waiver)

FROM: BPC
TO: DOJ Senior Procurement Executive
SUBJECT: Request Approval of Position Education Waiver

I am recruiting for a senior level contracting position and request a waiver to the OPM GS-1102 Qualification Standards for Education in order to proceed with the vacancy announcement. The waiver is requested for the senior level position of (position, grade, Component.) This position has been vacant for (insert time here.) I have previously recruited for this position using (list how vacancies announced, any human resource options used, population targeted) and our recruitment efforts resulted in no qualified applicants. Additionally, (list any special considerations here such as geographic isolation, etc.) has impacted our ability to locate qualified applicants.

I am requesting Position Education Waiver to proceed with the job announcement. In accordance with Department Policy, the announcement shall stipulate that the position education waiver is effective for a specified period (list approximate time frame selected applicant will be given to fulfill education requirements). The individual selected must agree to pursue/continue education requirements and complete the training within the allotted time frame. If the education requirements are not fulfilled within the allotted timeframe, the selected applicant may be subject to removal from position and returned to a position not less than previously held grade and position.

If there are any questions or addition information is required, please contact (name, phone number at Component.)

BPC (or designee) Signature
Name, Date

ATTACHMENT IV

**INDIVIDUAL EDUCATION WAIVER
OF
OPM QUALIFICATION STANDARDS FOR EDUCATION**

(After obtaining a Position Education Waiver, if a candidate is identified who does not meet the education requirements, an Individual Waiver must be obtained prior to extending an employment offer. The format shall be used by the HCA (or designee) when requesting an Individual Education Waiver.)

FROM: BPC
TO: DOJ Senior Procurement Executive
SUBJECT: Request Approval of Individual Education Waiver

I have identified (applicant's name) as the best qualified applicant for (position title, grade, and announcement number) announced with an education waiver (insert date.) The applicant we feel is the best suited for this position lacks the required (Baccalaureate degree from accredited university with 24 semester hours of business-related courses.)

I feel (applicant's name) is the best qualified candidate based on careful review of previous job history and experience. (Applicant's name) potential for this level of responsibility and authority is demonstrated by a work history that includes contracting positions of an increasingly sophisticated nature, as well as analytical and decision making skills evidenced by a review of the work history and the interview process.

I am requesting an Individual Education Waiver for (applicant's name) to proceed with the extension of an offer of employment. In accordance with Department Policy, the waiver is effective (list begin and end dates), as the individual selected meets all of the established waiver requirements and has agreed to pursue/continue and complete education requirements within the allotted time frame. If the education requirements are not fulfilled within the allotted timeframe, the selected applicant is aware of the possibility of removal from the position to a position not less than previously held grade and position.

Enclosed with this letter are: (1) A signed copy of the employee's commitment letter with supporting documentation/attachments, and (2) An original memo for your signature of approval.

If there are any questions or additional information is required, please contact (name, phone number at Component.)

BPC Signature
Name, Date

Attachment V

**WAIVER
OF
FEDERAL ACQUISITION CERTIFICATION IN CONTRACTING (FAC-C)
EDUCATION/TRAINING STANDARDS
FOR
ISSUANCE OF INTERIM WARRANT**

From: **(Procurement Executive of Component)**

To: DOJ Senior Procurement Executive

Subject: Request Approval of Individual Education/Training Waiver

In accordance with the Office of Federal Procurement Policy (OFPP) Policy Letter 05-01, Office of Management and Budget (OMB) memo dated January 1, 2006, and Departmental policy, all members of the workforce issued new Contracting Officer's (CO) warrants after January 1, 2007 must be certified at an appropriate level to support their warrant obligations. Additionally, the Senior Procurement Executive "may waive the education and training requirements for FAC-C candidates based on the person's demonstrated analytical and decision making capabilities, job performance, and qualifying experience".

I request a waiver of FAC-C **training/education** requirements for issuance of an interim warrant to **(insert name here)**. He/She agrees to meet the education/training requirements within 24-months of the signing of the Commitment Letter and waiver approval. The candidate understands that if **he/she** fails to complete **(24 semester hours in a business discipline/obtain a four year degree with 24 hours of business related subjects/complete necessary DAU/FAI training)** according to policy, the warrant will expire and the employee may revert back to previous series and/or grade, if applicable.

This office recognizes the importance of completing the training and education standards of FAC-C and supports employee development. As such, we will ensure that **employee name** meets the waived requirements within the allotted twenty-four (24) months after issuance of the waiver. Additionally, I will provide a training plan to the DOJ ACM outlining how and when the training requirement will be met within three (3) months after waiver issuance.

Enclosed with this letter are: (1) A signed copy of the employee's commitment letter, and (2) An original memo for your approval. If there are any questions or additional information is required, please contact **(name, phone number)** at **(Component.)**

Procurement Executive Signature

Date

Attachment VI

Employee Commitment Letter Request for FAC-C Education/Training Waiver

As provided in Office of Federal Procurement Policy (OFPP) Policy Letter 05-01, Office of Management and Budget (OMB) memo dated January 1, 2006, and Departmental policy, the Senior Procurement Executive “may waive the education and training requirements for FAC-C applicants based on the person’s demonstrated analytical and decision making capabilities, job performance, and qualifying experience.” In order to be eligible for this waiver, I, employee name, agree to meet the following requirements:

I will meet the education/training requirements within 24-months of the signing of this Commitment Letter. I understand that if I do not complete the applicable training requirements; or complete 24 hours of business related courses; or a four year degree with 24 hours of business related subjects (circle applicable situation) according to the OFPP Policy Letter 05-01, another waiver will need to be requested or my salary/grade may revert back to the original grade prior to the waiver, with appropriate step increases that would normally have occurred over the time period in the new grade. During the 24-months it will take me to meet the aforementioned requirements, I agree to meet with my supervisor at the end of each semester to discuss my progress, and provide documentation of satisfactory course completion.

Signature of Requesting Employee

Date

Supervisor

Date

Procurement Executive, Agency name

Date

Attachment VII

SPE APPROVAL WAIVER OF FAC-C EDUCATION/TRAINING REQUIREMENTS

After reviewing the information provided in your request for waiver of FAC-C education/training requirements for the GS 1102- (grade), _____ position, and in accordance with the Office of Federal Procurement Policy (OFPP) Policy Letter 05-01, Office of Management and Budget (OMB) memo dated January 1, 2006, and Departmental policy, I, with the endorsement of your Component's Procurement Executive, hereby certify that you, employee name, possess significant potential for advancement to levels of greater responsibility and authority, based on demonstrated analytical and decision making capabilities, job performance, and qualifying experience.

You have a responsibility to meet the requirements set forth in the submitted Request for Waiver of FAC-C Education/Training Requirements within the timeframe allotted. If those requirements are not met, another waiver must be requested or you may revert back to your former grade as stated in your Commitment Letter.

Waiver Approved: _____

Michael H. Allen
Senior Procurement Executive

Date